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MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION

No. 10161 L.A., Bangalore-1, dated 12th October 1965

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Bangalore Water Supply and Sewerage (Amendment) Bill, 1965,** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

The Bangalore Water Supply and Sewerage (Amendment) Bill, 1965

A Bill to amend the Bangalore Water Supply and Sewerage Act, 1964.

WHEREAS it is expedient to amend the Bangalore Water Supply and Sewerage Act, 1964 (Mysore Act 36 of 1964);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. *Short title and commencement.*—This Act may be called the Bangalore Water Supply and Sewerage (Amendment) Act, 1965.

(2) It shall come into force at once.

2. *Amendment of section 2.*—In section 2 of the Bangalore Water Supply and Sewerage Act, 1964 (Mysore Act 36 of 1964) (hereinafter referred to as the principal Act),—

(1) after clause (3), the following clause shall be inserted, namely :—

" (3A) " bye-laws " means bye-laws made by the Board under this Act ";

(2) in clause (11), the words, " by the State Government " shall be omitted.

3. *Amendment of section 3.*—In clause (*b*) of sub-section (3) of section 3 of the principal Act, for the words " a public health engineer with wide experience ", the words " a person with wide experience of civil engineering works preferably in the field of public health engineering with reference to water supply, sewerage and sewage disposal and industrial wastes " shall be substituted.

4. *Amendment of section* 5.—In section 5 of the principal Act,—

(1) for the marginal heading, the following heading shall be substituted, namely :—

"*Disqualification for becoming a member of the Board.*" ;

(2) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) A person shall be disqualified for being appointed as a member of the Board and for being a member thereof, if, save as hereinafter provided, he has directly or indirectly by himself or his partner any share or interest in any work done by order of the Board, or in any contract or employment with or under, or by or on behalf of, the Board."

(3) in sub-section (2), for the words, figure and brackets "other than a firm or company mentioned in sub-section (1)" shall be omitted.

5. *Amendment of section* 6.—In section 6 of the principal Act—

(1) for clause (*c*) of sub-section (1), the following clause shall be substituted, namely :—

"(*c*) becomes subject to any disqualification specified in sub-section (1) of section 5".

(2) in sub-section (5), for the words "the directions issued by the State Government under this Act", the words and figures "the directions issued by the State Government under section 89" shall be substituted.

6. *Amendment of section* 7.—In sub-section (1) of section 7 of the principal Act, the words, figures and brackets "sub-clause (iii) of" shall be omitted.

7. *Amendment of section* 12.—In the proviso to section 12 of the principal Act, for the words "subject to the approval of", the words "made after consultation with" shall be substituted.

8. *Amendment of section* 13.—In section 13 of the principal Act, for the words "consulting public health engineers" in the two places where they occur, the word "consultants" shall be substituted, and for the word "rules", the word "regulations" shall be substituted.

9. *Amendment of section* 15.—In sub-section (2) of section 15 of the principal Act,—

(1) in clauses (*b*) and (*c*) , the words "approved by the State Government" shall be omitted ;

(2) after clause (*c*), the following proviso shall inserted, namely :—

"Provided that no scheme under clause (*b*) or (*c*) estimated to cost more than a crore of rupees shall be carried out by the Board except with the approval of the State Government."

10. *Substitution of new section for section* 16.—For section 16 of the principal Act, the following section shall be and shall always be deemed to have been substituted, namely :—

"16. *General principles for Board's finance*.—(1) For carrying on its operations under this Act, the Board shall levy rates, fees, rentals and other charges, and shall vary such rates, fees, rentals and other charges from time to time in order to provide sufficient revenue,—

(*a*) to cover operating expenses, taxes and interest payments and to provide for adequate maintenance and depreciation ;

(*b*) to meet repayments of loans and other borrowings ;

(c) to finance normal year to year improvements ; and

(*d*) to provide for such other purposes beneficial to the promotion of water supply and disposal of sewage in the Bangalore Metropolitan Area as the Board may determine.

(2) No part of the revenues of the Board, after meeting the expenses referred to in clauses (*a*), (*b*) and (c) of sub-section (1) shall be used to augment the reserves of the Board other than the reserves referred to in sections 24 and 24-A or for the general purposes of the Board including expenses. in connection with capital works, other than improvement works ".

11. *Amendment of section* 17.—In sub-section (1) of section 17 of the principal Act, for the word " rules ", the word " regulations " shall be substituted.

12. *Amendment of section* 18.—In sub-section (1) of section 18 of the principal Act,—

(1) for the words " twenty-five thousand rupees ", the words " one lakh of rupees " shall be substituted ;

(2) for the words " one lakh of rupees ", the words " five lakhs of rupees " shall be substituted.

13. *Omission of section* 23.—Section 23 of the principal Act shall be omitted

14. *Amendment of section 24.*—In section 24 of the principal Act,—

(1) in sub-section (1), the words and figures " as far as compliance with the provisions of section 23 makes it practicable " shall be omitted ;

(2) in sub-section (2),—

(i) in the first proviso, for the word " rules ", the word " regulations " shall be substituted ; and

(ii) the second and third provisos shall be omitted.

15. *Insertion of new sections 24-A and 24-B.—After* section 24 of the principal Act, the following sections shall be and shall always be deemed to have been inserted, namely :—

" 24A. *Improvement reserve.*—The Board shall create a reserve for improvement works and shall, at the end of every year, credit to such reserve from its revenue such percentage of the balance remaining after meeting its operating, maintenance and management expenses and after adequate provision is made for depreciation, taxes, interest and amortization payments on loans and other borrowings, as the Board may determine, taking into consideration the improvement works which the Board will have to execute in order to provide adequate water supply and sewage disposal services in the Bangalore Metropolitan Area.

24B. *Payment of interest to Government.*—In respect of assets of the Government which vest in the Board by virtue of the provisions of this Act, the Board shall pay interest on the cost of such assets at such rate as may, from time to time, be fixed by the Government in consultation with the Board, and such interest shall be deemed to be a part of the expenditure of the Board "

16. *Amendment of section* 25.—In section 25 of the principal Act,—

(1) in sub-section (1), for the word "rules" the word "regulations" shall be substituted ;

(2) in sub-section (5), for the word "rules", the word "regulations" shall be substituted.

17. *Amendment of section* 26.—In section 26 of the principal Act, for the words "City of Bangalore", the words "Bangalore Metropolitan Area" shall be substituted.

18. *Amendment of section* 44.—In section 44 of the principal Act,—

(1) in sub-section (2), after the words "Board shall", the words "if in its opinion there is no objection" shall be inserted ;

(2) in the proviso to sub-section (3), for the words "under the provisions of this section the Board lays", the words "the Board considers it necessary to lay a main" shall be substituted.

19. *Amendment of section* 47.—In section 47 of the principal Act,—

(1) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) The cost of meters, the expense of their installation, and the rent payable for use of meters, shall be such as may be prescribed by regulations, and shall be paid by the owner of the premises." ;

(2) for sub-section (3), the following sub-clause shall be substituted, namely :—

"(3) The use, maintenance and testing of meters shall be regulated by bye-laws made in this behalf."

20. *Substitution of new sections* 61 *and* 61A *for section* 61.—For section 61 of the principal Act, the following sections shall be substituted, namely :—

"61. *Regulations regarding water supply.*—(1) The Board may, with the previous approval of the State Government, make regulations to carry out the purposes of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing provision, such regulations may provide for,—

(*a*) the power of the Board,—

(i) to stop the supply of water, whether for domestic purpose or not, or for gratuitous use ; and

(ii) to prohibit the sale and use of water for the purpose of business ;

(*b*) the power of the Board to take charge of private connections ;

(c) the prohibition of fraudulent and unauthorised use of water and the prohibition of tampering with meters ;

(*d*) the licensing of plumbers and fitters, and for the compulsory employment of licensed plumbers and fitters.

(3) In making any regulation under this section, the Board may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees and in case of continuing breach with an additional fine which may extend to ten rupees for every day during which the breach continues after the receipt of a notice from the Board to discontinue such breach.

61A. *Bye-laws regarding water supply.*—Subject to the provisions of rules and regulations, the Board may after previous publication, make bye-laws to provide for,—

(*a*) the connection of supply pipes for conveying to any premises a supply of water from Board Water Works;

(*b*) the making and renewing connections with Board Water Works;

(*c*) the power of the Board to alter the position of connections;

(*d*) the equitable distribution of water supplied to occupiers;

(*e*) the size, material, quality, description and position of the pipes and fittings to be used for the purpose of any connection with or any communication from any Board Water Works and the stamping of pipes and fittings and fees for such stamping;

(*f*) the size, material, quality and description of pipes, cisterns, and fittings which are found on an examination under the provisions of this Act to be so defective that they cannot be effectively repaired;

(*g*) the provision and maintenance of meters when water is supplied by measurement;

(*h*) the maintenance of pipes, cisterns and other water works."

21. *Amendment of section* 65.—In clause (b) of sub-section (1) of section 65 of the principal Act, for the words "a temperature higher than forty-five degrees centigrade", the words "such temperature as may be specified by notification by the Board" shall be substituted.

22. *Amendment of section* 74.—In section 74 of the principal Act, in the second proviso, for the words "so treated as not to affect prejudicially the purity and quality of the water into which it is discharged", the word "treated in such manner as may be prescribed in the bye-laws made in this behalf", shall be substituted.

23. *Amendment of section* 84.—For sub-section (2) of section 84 of the principal Act, the following sub-section shall be substituted, namely :—

"(2) In particular and without prejudice to the foregoing provision, such regulations may provide for the charges to be paid to the Board by occupiers of trade premises for the reception of trade effluent into Board sewers and disposal thereof".

24. *Insertion of new section* 84A.—After section 84 of the principal Act, the following section shall be inserted, namely :—

"84A. *Bye-laws regarding sewerage.*—(1) Subject to the provisions of rules and regulations, the Board may after previous publication make bye-laws to provide for—

(*a*) the regulation or prohibition of the discharge or deposit of offensive or obstructive matter polluted water or other polluted and obnoxious matter into sewers ;

(*b*) the regulation in any manner not specifically provided for in this Act, of the construction, alteration, maintenance, preservation, cleaning and repairs of sewers, ventilation shafts, pipes, latrines, urinals, cesspools and other sewerage works ;

(*c*) the cleansing of sewers ;

(*d*) the prohibition of erection of buildings over sewers without the permission of the Board ;

(*e*) the connection of private drains with Board sewers ;

(*f*) the location and construction of cesspools ;

(*g*) the covering and ventilation of cesspools ;

(*h*) the period or periods of the day during which trade effluent may be discharged from any trade premises into Board sewers ;

(i) the exclusion from trade effluent of all condensing matter ;

(*j*) the elimination from trade effluent, before it enters a Board sewer, of any constituent which in the opinion of the Board would, either alone or in combination with any matter with which it is likely to come into contact while passing through Board sewers, injure or obstruct those sewers or make specially difficult or expensive the treatment or disposal of the sewage from those sewers ;

(*k*) the maximum quantity of trade effluent which may, without any consent or permission, be discharged from any trade premises into Board sewers on any one day and the highest rate at which trade effluent may, without such consent or permission, be discharged from any trade premises into Board sewers ;

(*l*) the regulation of the temperature of trade effluent at the time of its discharge into Board sewers and the securing of the neutrality of trade effluent (that is to say, that it is neither acidic nor alkaline) at the time of such discharge ;

(*m*) the provision and maintenance of such an inspection chamber or manhole as will enable a person readily to take at any time samples of what is passing into Board sewers from trade premises ;

(*n*) the provision and maintenance of such meters as may be required to measure the volume of any trade effluent being discharged from any trade premises into Board sewers, and the testing of such meters."

25. *Amendment of section* 86.—In section 86 of the principal Act,—

(1) in sub-section (2), for the word "rules", the word "regulations" shall be substituted ;

(2) in sub-section (3), the words, "as may be prescribed by the rules or" shall be omitted.

26. *Amendment of section* 88.—In sub-section (1) of section 88 of the principal Act, for clause (d) the following clause shall be substituted, namely :—

"(d) the fine which may be imposed for the breach of any bye-law, which may extend to one hundred rupees, and in case of continuing breach with an additional fine which may extend to ten rupees for every day, during which the breach continues after receipt of a notice from the Board to discontinue the breach."

27. *Amendment of section* 89.—In section 89 of the principal Act, to sub-section (1), the following proviso shall be added, namely :—

"Provided that such direction shall be given after consultation with the Board".

28. *Amendment of section* 109.—In section 109 of the principal Act, after the word "regulation" in the two places where it occurs, the words "or bye-law" shall be inserted.

29. *Continuation of rules and regulations.*—Notwithstanding anything contained in the principal Act, as amended by this Act, all rules and regulations in force at the commencement of this Act shall continue to be valid, but any such rule, or regulation may be cancelled or altered by a rule, regulation or bye-law, as the case may be, made under the relevant provision of the principal Act amended by this Act.

Statement of Objects and Reasons

At present the Bangalore Water Supply and Sewerage Board maintains the water supply and sewerage system in Bangalore and it will shortly embark upon large scale developments in connection with the long range Water Supply and Sewerage Project involving very heavy financial commitments. In order to effectively carry out the functions and responsibilities entrusted to it, the Board will have to be given a larger measures of autonomy than is now contemplated by the Bangalore Water Supply and Sewerage Act, 1964. It is also considered that the accounting system of the Board should be based on commercial principles in order to provide information required by an undertaking of this character, with provision for depreciation as a charge against revenues every year. Statutory provision is necessary to enable the Board to pay to Government interest on the value of the assets transferred to it by the Government. Certain other minor amendments to improve the working of the Board are also found desirable. Hence this Bill.

R. M. PATIL,

T. HANUMANTHAPPA,
Secretary.

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